

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD F. DAILEY, JR.,)	
)	
Plaintiff/Counterclaim Defendant,)	Civil Action No. 08-1577
)	
v.)	Magistrate Judge Bissoon
)	
LEGG MASON WOOD WALKER,)	
INC., <i>et al.</i> ,)	
)	
Defendant/Counterclaim Plaintiffs,)	

ORDER

On June 15, 2009, Defendant Legg Mason Wood Walker, Inc., filed an Answer/ Opposition to Plaintiff's Petition to Vacate Arbitration Award. *See* Doc. 11. Along with the Answer, Defendant and others filed a Counterclaim/Petition to Confirm the Arbitration Award. *See id.* The Petitions to Vacate and Confirm are accompanied by supporting memoranda filed on behalf of the respective parties. *See* Pl.'s Petition to Vacate (Doc. 1) at 11-18; Countercl. Pls.' Mem. in Supp. of Pet. to Confirm (Doc. 13).

Given that petitions to confirm or vacate arbitration awards involve "summary proceeding[s]" presenting "issue[s] of law," district courts may treat them as motions for summary judgment. Troeller v. Alladeen, 2007 WL 2816197, *3 (E.D.N.Y. Sept. 27, 2007) (citations and internal quotations omitted). This approach is particularly appropriate here, because the parties already have filed briefs in support of their competing Petitions.

Thus, the Petitions to Vacate and Confirm are hereby construed as Cross-Motions for Summary Judgment, and Plaintiff shall file a response in opposition to the Motion for Summary Judgment to Confirm (*see* Docs. 11 & 13) **on or before July 20, 2009**. As previously directed,

Plaintiff must file his opposition materials either as a registered user of CM/ECF or by submitting his document(s) in paper form to the Clerk's Office. *See* Order dated Jun. 1, 2009 (Doc. 10).

Given the pendency of the Cross-Motions for Summary Judgment, the Case Management Conference scheduled for July 21, 2009 at 10:00 a.m. is **CANCELLED**, and it will be rescheduled, if and as appropriate, by future order of the Court.

Finally, the Orders addressing the Parties' Willingness to Proceed before a Magistrate Judge (Doc. 14) and compliance with the undersigned's Practices and Procedures (*see* Doc. 12 at ¶ 4) remain in full force.

IT IS SO ORDERED.

June 19, 2009

s/Cathy Bissoon
Cathy Bissoon
United States Magistrate Judge

cc (via 1st Class U.S. Mail):

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